

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ANNIKEN PROSSER,

Plaintiff,

v.

Case No. 20-cv-194

ALEX AZAR, in his capacity as Secretary
of the United States Department of Health
and Human Services,

Defendant.

**SEVENTH CIRCUIT RULE 3(c) DOCKETING STATEMENT OF PLAINTIFF,
ANNIKEN PROSSER**

Plaintiff Anniken Prosser (“Prosser”), by her undersigned counsel, respectfully submits this Docketing Statement pursuant to Circuit Rule 3(c)(1) of the United States Court of Appeals for the Seventh Circuit.

I. DISTRICT COURT JURISDICTION.

The United States District Court for the Eastern District of Wisconsin (the “District Court”) has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331 (federal question) and 42 U.S.C. §§ 405(g) and 1395ff. Plaintiff filed this suit after the Medicare Appeals Council (acting on behalf Defendant Secretary Alex Azar) issued final decisions denying coverage on Plaintiff’s Medicare claims, thereby exhausting her administrative remedies. The amount-in-controversy exceeds \$1,630 (42 U.S.C. §§ 1395ff(b)(1)(E)(i) and 1395ff(b)(1)(E)(iii)), and this suit was filed within 60 days of the Secretary’s final decision, as a result of escalation. *See* 42 C.F.R. § 405.1016(f).

II. APPELLATE COURT JURISDICTION.

28 U.S.C. § 1291 and 28 U.S.C. § 1294 confer jurisdiction over this appeal on the United States Court of Appeals for the Seventh Circuit. Final Judgment was entered on October 21, 2020,

which, without limitation, made final four of the District Court's orders subject to this appeal: (1) its July 6, 2020 Decision and Order (the "July 6 Order") denying Plaintiff's motion for summary judgment and granting Defendant's cross-motion for summary judgment; (2) its September 24, 2020 Decision and Order denying Plaintiff's motion for reconsideration of the July 6 Order; (3) its October 21, 2020 Decision and Order granting Defendant's motion for summary judgment for lack of standing; and (4) its October 21, 2020 Order denying as moot Plaintiff's motion to dismiss with prejudice to facilitate appellate review. Plaintiff's Notice of Appeal was timely filed with the District Court on October 22, 2020, concurrent with the filing of this Docketing Statement.

This case is not a direct appeal from the decision of a magistrate judge.

III. THIS IS AN APPEAL OF AN IMMEDIATELY APPEALABLE FINAL JUDGMENT.

As noted above, a final appealable judgment was entered by the District Court on October 21, 2020. This is a civil appeal as a matter of right pursuant to Federal Rule of Appellate Procedure 3(a) and Circuit Rule 3(a).

IV. PRIOR OR RELATED APPELLATE PROCEEDINGS.

There have been no prior or related appellate proceedings in this case.

V. ADDITIONAL REQUIREMENTS OF CIRCUIT RULE 3(C)(1).

This is a civil case that does not involve any criminal convictions. 28 U.S.C. § 1915(g) is inapplicable.

Defendant Alex Azar appears in this litigation in his official capacity as Secretary of the United States Department of Health and Human Services and currently occupies the same office.

This case does not involve a collateral attack on a criminal conviction.

Respectfully submitted this 22th day of October, 2020.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on this
22nd day of October, 2020 on all counsel of record by using the CM/ECF system.

By: /s/ Michael Leffel
Michael Leffel